

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

VISTA WINDOW COMPANY, LLC,)	
)	CASE NO. 4:18CV0930
Plaintiff,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
NATHAN J. TEICHER, <i>etc.</i> , <i>et al.</i> ,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Defendants.)	[Resolving ECF No. 9]

On March 21, 2018, Plaintiff Vista Window Company, LLC filed a complaint in the Trumbull County, Ohio Court of Common Pleas, being Case No. 2018 CV 00539. Nathan J. Teicher and Midwest Exterior Renovations LLC (“Midwest”) were named as defendants. On April 24, 2018, Defendants removed the above-entitled action to this Court on the basis of diversity jurisdiction. Plaintiff and Midwest are limited liability companies. *See* Complaint ([ECF No. 1-1](#)) at PageID #: 4, ¶ 1; PageID #: 5, ¶ 3; Notice of Removal ([ECF No. 1](#)) at PageID #: 2, ¶ 4(A) and (C).

The parties filed Jurisdictional Statements identifying the citizenship of all members of Plaintiff ([ECF No. 16](#)) and Midwest ([ECF No. 13](#)) in response to a Show Cause Order ([ECF No. 11](#)). For the reasons set forth below, the case at bar is remanded to the Trumbull County, Ohio Court of Common Pleas.

Diversity jurisdiction exists where the matter in controversy exceeds \$75,000.00, and is between citizens of different states. [28 U.S.C. § 1332\(a\)](#). The complete diversity rule requires

(4:18CV0930)

that every plaintiff be of diverse citizenship from every defendant. *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806).

Plaintiff is owned by a sole member, Paradigm Operating Company LLC. Paradigm Operating Company LLC is owned by a sole member, Paradigm CW Holdings, LLC. The members of Paradigm CW Holdings, LLC include Ironwood Mezzanine Fund III LP, an investment fund. [ECF No. 16 at PageID #: 109-10](#).

Two of the limited partner investors in Ironwood Mezzanine Fund III LP are CMFG Life Insurance Company, a corporation incorporated in Iowa with its home office at 5910 Mineral Point Road in Madison, Wisconsin; and CUMIS Insurance Society, Inc., a corporation incorporated in Iowa with its principal place of business at 5910 Mineral Point Road in Madison, Wisconsin.

[ECF No. 16 at PageID #: 110, ¶ 9\(a\)](#). A corporation is “deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business[.]” [28 U.S.C. § 1332\(c\)\(1\)](#).

Mr. Teicher is the sole owner and member of Midwest. He is a Wisconsin resident. [ECF No. 13 at PageID #: 59, ¶¶ 2-3](#).

Without regard to whether the parties may have stated otherwise valid claims for relief, it is clear from the Jurisdictional Statements (ECF Nos. [13](#) and [16](#)) that there is not complete diversity of citizenship of the parties. The inclusion of Ironwood Mezzanine Fund III LP as a member of Plaintiff is a violation of the complete diversity rule since Plaintiff is a co-citizen of Mr. Teicher and Midwest. The Court therefore lacks subject matter jurisdiction over this matter.

See Caudill v. North America Media Corp., 200 F.3d 914, 916 (6th Cir. 2000). Contrary to

(4:18CV0930)

Plaintiff's statement ([ECF No. 15 at PageID #: 73](#)), the Court does not have subject matter jurisdiction.

Because complete diversity is lacking, the within matter will be remanded to the state court from which it was removed. [28 U.S.C. § 1447\(c\)](#) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). Defendants' Motion to Transfer Venue ([ECF No. 9](#)) is denied as moot.

IT IS SO ORDERED.

May 31, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge